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10/024,242	12/21/2001	John D. Sotack	A1031	3336

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EXAMINER	
BHAT, ADITYA S	

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/024,242	SOTACK, JOHN D.	
	Examiner	Art Unit	
	Aditya S. Bhat	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☒ Claim(s) *1,12 and 19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 1, 12 and 19 are objected to because it is unclear how a current is sensed from a group of components when only a particular component draws current. Appropriate correction or explanation is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

With regards to claims 1 -18 the methods recited in the claimed invention do not produce a real life, real world, useful, concrete, and tangible result.

The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96); In re Ziegler, 992, F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)).

A process that consists solely of the manipulation of an abstract idea is not concrete or tangible. See In re Warmerdam, 33 F.3d 1354, 1360, 31 USPQ2d 1754, 1759 (Fed. Cir. 1994). See also Schrader, 22 F.3d at 295, 30 USPQ2d at 1459. Nor can one patent "a novel and useful mathematical formula," Flook, 437 U.S. at 585, 198

USPQ at 195; electromagnetism or steam power, O'Reilly v. Morse, 56 U.S. (15 How.) 62, 113-114 (1853);

In this instance the result of the comparison that is stored in computer memory is not considered to be a tangible result. The result must be conveyed to the user or stored for later retrieval in order for the claims to be considered tangible. "Recording a result..." as recited in the claims could be interpreted as storing the comparison data in a cache memory of the computer, which could be interpreted as a temporary storage component. Therefore not being accessible to the user for later retrieval and not meeting the criteria set forth by the new 101 guidelines.

Please view the following guidelines to overcome 35 U.S.C. 101 rejection made in this office action in MPEP 2106 and/or

http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7,12-17,19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denen et al. (USPN 5,400,267) in view of Miyahara (JP 404261382A).

With regards to claim 1, Denen et al. (USPN 5,400,267) teaches an aberrant component detection method comprising:

storing, in a computer memory, a reference current indicative of proper functioning of a particular component; (Col. 9,lines 55-60)

sensing current supplied to a group of components including the particular component while only the particular component draws current; (Col. 9-10, lines 65-68 & 1-5)

comparing the current supplied to the group of components to the reference current; and (Col. 8, lines 60-63) (Col. 9-10, lines 60-63)

With regards to claim 12, Denen et al. (USPN 5,400,267) teaches an aberrant component detection method comprising

the sensed current being supplied to a group of components including the particular component, the reference current being indicative of proper functioning of a particular component and being stored in a computer memory. (Col. 9-10, lines 65-68 & 1-5) (Col.10, lines 11-15)

With regards to claim 19, Denen et al. (USPN 5,400,267) teaches an aberrant component detection method comprising:

storing, in a computer memory, a reference current indicative of proper functioning of a particular component; (Col. 9,lines 55-63)

sensing current supplied to a group of components including the particular component while only the particular component draws current (Col. 9-10, lines 65-68 & 1-5) (Col. 3, lines 20-21)

comparing the current supplied to the group of components to the reference current; and (Col. 8, lines 60-63) (Col. 9-10, lines 60-63)

With regards to claim 2, Denen et al. (USPN 5,400,267) recording a result comprises storing the result in a computer memory. (Col. 9, lines 55-56)

With regards to claims 3, 14 and 15 Denen et al. (USPN 5,400,267) teaches the computer memory being non-volatile. (30,40;figures 3-4) (Col. 9, lines 55-56)

With regards to claims 4 and 13, Denen et al. (USPN 5,400,267) teaches recording a result comprises displaying an alert when there is a discrepancy between the reference current and the current supplied to the group of components. (Col. 6, lines 42-43)

With regards to claim 5, Denen et al. (USPN 5,400,267) teaches recording a result includes recording a circuit to which current was supplied during sensing. (Col. 9-10, lines 65-68 & 1-5) (Col. 3, lines 20-21)

With regards to claims 6 and 16, Denen et al. (USPN 5,400,267) teaches sensing current includes sensing while only the particular component draws current. (Col. 9-10, lines 65-68 & 1-5) (Col. 3, lines 20-21)

With regards to claims 7 and 17, Denen et al. (USPN 5,400,267) teaches further comprising allowing access to recorded results. (Col.6, lines 58-64)

With regards to claim 21, Denen et al. (USPN 5,400,267) teaches particular component is itself a group of components and the method is applied recursively to identify an aberrant particular component within the particular component. (Col. 9-10, lines 65-68 & 1-5) (Col. 3, lines 20-21)

Denen et al. (USPN 5,400,267) does not appear to teach recording a result of comparing the current to the reference current.

Miyahara (JP 404261382A) teaches recording a result of comparing the current to the reference current. (See summary)

It would've been obvious to one of ordinary skill in the art at the time of the invention to modify the Denen et al. (USPN 5,400,267) reference to include the step of recording a result of comparing the current to the reference current taught by Miyahara (JP 404261382A) in order to lighten the burden of service man. (see purpose)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-11, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denen et al. (USPN 5,400,267)/ Miyahara (JP 404261382A). in view of Motoyama (USPN 5,887,216).

Denen et al. (USPN 5,400,267) teaches an aberrant component detection method comprising: storing, in a computer memory, a reference current indicative of proper functioning of a particular component; (Col. 9,lines 55-60) sensing current supplied to a group of components including the particular component; (Col. 9-10, lines 65-68 & 1-5) comparing the current supplied to the group of components to the

reference current; and (Col. 8, lines 60-63) (Col. 9-10, lines 60-63) recording a result of comparing the current to the reference current. Miyahara (JP 404261382A)

Denen et al. (USPN 5,400,267) does not explicitly disclose allowing access comprises providing a connection to and allowing access via a computer network. .

Denen et al. (USPN 5,400,267) does not explicitly disclose the computer network is the Internet.

Denen et al. (USPN 5,400,267) does not explicitly disclose the allowing access comprises providing a user interface via an on-board display.

Denen et al. (USPN 5,400,267) does not explicitly disclose allowing access comprises providing a port, allowing connection of a computer to the port, and providing access with the connected computer to the stored results.

Denen et al. (USPN 5,400,267) does not explicitly disclose providing a connection to via a computer network, providing a user interface via an onboard display, and providing access via a computer connected to a direct-connect port.

With regards to claim 8, Motoyama (USPN 5,887,216) teaches allowing access comprises providing a connection to and allowing access via a computer network. (Col.4, lines 61-63)

With regards to claim 9, Motoyama (USPN 5,887,216) teaches the computer network is the Internet. (Col.4, lines 51)

With regards to claim 10, Motoyama (USPN 5,887,216) teaches the allowing access comprises providing a user interface via an on-board display. (Col.8, lines 20-21)

With regards to claim 11, Motoyama (USPN 5,887,216) teaches allowing access comprises providing a port, allowing connection of a computer to the port, and providing access with the connected computer to the stored results. (Col. 5, lines 30-40)

With regards to claim 18 and 20, Motoyama (USPN 5,887,216) teaches providing a connection to via a computer network (Col.4, lines 61-63), providing a user interface via an onboard display (Col.8, lines 20-21), and providing access via a computer connected to a direct-connect port. (Col.4, lines 61-63),

It would be obvious to one skilled in the art at the time of the invention to modify the Denen/ Miyahara reference to include the teachings of Motoyama in order to arrive at the claimed invention, in order to communicate a problem to a service center. (Col.3, lines 13-16)

Response to Arguments

Applicant is reminded that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the

words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

In this instance applicant argues that the 101 rejection is not proper and no justification has been given. With reference to the 101 rejection the result of the comparison that is stored in computer memory is not considered to be a tangible result. The result must be conveyed to the user or stored for later retrieval in order for the claims to be considered tangible. "Recording a result..." as recited in the claims could be interpreted as storing the comparison data in a cache memory of the computer, which could be interpreted as a temporary storage component. Therefore not being accessible to the user for later retrieval and not meeting the criteria set forth by the new 101 guidelines.

Applicant goes on to argues that the prior art of record does not teach sensing current supplied to a group of components including the particular component while only the particular component draws current. As stated in the objection above it is not clear to the examiner how a current is sensed from a group of components when only a particular component draws current. As stated in the previous office action Denen teaches "a control module may be programmed to monitor the current or voltage being supplied by power module 39. If the current or voltage being supplied to equipment exceeds the corresponding limit, control module 36 begins to clock the duration of the high current." From this passage it is clear that a current is being sensed from a component. Referring to figure 8, which clearly shows a serial number and model

number. This data would be required to monitor that particular component that corresponds to the serial/model numbers. For these reasons the rejection have been maintained and are deemed proper

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamaguchi et al (5,021,828) teaches a copying apparatus having a consumable part.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 703-308-0332. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Aditya Bhat
June 15, 2006

BRYAN BUI
PRIMARY EXAMINER